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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,018	10/10/2003	Gary Meyer		3231

7590  
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Golden, CO 80401

EXAMINER
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A. PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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10/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/684,018

**Applicant(s)**

MEYER, GARY

**Examiner**

PHI D. A

**Art Unit**

3633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 6-11 is/are pending in the application.  
4a) Of the above claim(s) 2 and 6 is/are withdrawn from consideration.  
5) ☒ Claim(s) 7-9 is/are allowed.  
6) ☒ Claim(s) 1, 10-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al (5123776).

Lang et al (figures 1-3) shows a raised floor access floor panel comprising a substantially flat panel (13) having an upper load supporting surface and a lower surface to be supported on a plurality of pedestal support members (4) each adjacent to a corner of the panel, at least one panel lifter handle (21) having a top wall and two opposing vertical side walls, the side walls having a first and second ends, the first ends connected to form a right angle to the top wall and the second ends having a lug (28) for securing the second ends to the floor panel lower surface when the handle member is operated upwardly in an open position, at least one recess means, adjacent to a lateral edge of the floor panel, for receiving the top wall of the handle member when the member is operated downwardly in a position planar to the floor panel upper surface.

3. Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Spransy et al (7360343).

Spransy et al (figures 1, 6) shows a raised access floor panel, consisting essentially of: (a) a substantially flat floor panel having four corners, and a plurality of air flow perforations extending through an upper load supporting surface and a lower surface; and an adjustable panel leveler means (22), threadably connected to the floor panel through a hole disposed adjacent to each corner of the floor panel, for biasing against a pedestal support member, operated using

successive pivotal movements of the panel lifter to incrementally adjust the upper surface of the floor panel to a position planar with a raised floor.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spransy et al in view of Lang et al (5123776).

Spransy et al shows all the claimed limitations except for the floor panel further consisting essentially of at least one panel lifter handle member, movably connected to the floor panel, having a top wall and two opposing vertical side walls, the side walls having a first and a second ends, the first ends connected to form a right angle to the top wall and the second ends having a lug for securing the second ends to the floor panel lower surface when the handle member is operated upwardly in an open position, and at least one recess means, adjacent to a lateral edge of the floor panel, for receiving the top wall of the handle member when the handle member is operated downwardly in a position planar to the floor panel upper surface.

Lang et al discloses a floor panel lifter consisting essentially of at least one panel lifter handle member, movably connected to the floor panel, having a top wall and two opposing vertical side walls, the side walls having a first and a second ends, the first ends connected to form a right angle to the top wall and the second ends having a lug for securing the second ends to the floor panel lower surface when the handle member is operated upwardly in an open

position, and at least one recess means, adjacent to a lateral edge of the floor panel, for receiving the top wall of the handle member when the handle member is operated downwardly in a position planar to the floor panel upper surface.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Spransy et al's structure to show for the floor panel further consisting essentially of at least one panel lifter handle member, movably connected to the floor panel, having a top wall and two opposing vertical side walls, the side walls having a first and a second ends, the first ends connected to form a right angle to the top wall and the second ends having a lug for securing the second ends to the floor panel lower surface when the handle member is operated upwardly in an open position, and at least one recess means, adjacent to a lateral edge of the floor panel, for receiving the top wall of the handle member when the handle member is operated downwardly in a position planar to the floor panel upper surface as taught by Lang et al in order to provide a handle to enable easy lifting of the panel.

***Allowable Subject Matter***

3. Claims 7-9 are allowed.

***Response to Arguments***

Applicant's arguments filed 5/12/08 have been fully considered but are moot in view of the new ground of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phi D A/  
Primary Examiner, Art Unit 3633

Phi Dicu Tran A  
10/1/08